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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,262	09/20/2001	Paul W. Chapin	2387.02US03	5388

24113 7590 10/06/2005

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EXAMINER

O'STEEN, DAVID R

ART UNIT PAPER NUMBER

2613

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,262	Applicant(s) CHAPIN ET AL.	
	Examiner David R. O'Steen	Art Unit 26.3 2647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 20, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed July 22, 2002 lists the following websites: www.respondtv.com, www.agency.com/interactivetv/casestudies.html, www.agency.com/interactivetv/ba_iTV.html, www.agency.com/interactivetv/chorus.html, www.agency.com/interactivetv/tele_danmark.html, www.agency.com/interactivetv/open.html, www.agency.com/interactivetv/comhem.html, www.agency.com/interactivetv/teracom.html, and www.wink.com/contents/PressReleases/951423232/content.shtml. These pages could not be found and, therefore, were not considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,051). As regards Claim 1, Bove discloses an interactive video advertisement package for delivery over a broadcast interactive television medium comprising an initial real time, predetermined video advertisement segment including a dynamic sequence presenting a spokesperson representation (page 2, paragraph 32) having a plurality of selectable zones with each zone defined in relation to a unique part of the spokesperson

representation (page 6, paragraph 61, lines 1-4). An advertisement is understood as being any video segment that presents sellable merchandise to the viewer. A spokesperson is understood as being any actor, actress, character, or entity involved in presenting a product to the viewer. Bove does not disclose a plurality of selectable, predetermined video advertisement segments, presented as a continuation of the dynamic sequence of the spokesperson representation, each selectable video advertisement segment corresponding to one of the plurality of selectable zones and selectively delivered to a viewer in direct response to selection by the viewer of that zone. Portuesi discloses a plurality of selectable, predetermined video advertisement segments, presented as a continuation of the dynamic sequence of the spokesperson representation, each selectable video advertisement segment corresponding to one of the plurality of selectable zones and selectively delivered to a viewer in direct response to selection by the viewer of that zone (col. 1, lines 35-37 and col. 3, lines 46-50).

4. As regards Claim 4, Bove further discloses that at least two selectable zones are created from an image mapping of a video frame of the advertisement segment to demarcate a unique part of the spokesperson representation (paragraph 61, lines 1-5).

5. As regards Claim 5, Portuesi further discloses at least one selectable zone that includes a margin around a mapped image (fig. 4.40).

6. As regards Claim 6, Bove further discloses at least one advertisement segment that includes a special effect of causing an object to appear as part of the spokesperson representation (Fig 1C).

7. As regards Claim 8, Bove further discloses viewer recognition of the spokesperson representation that is created by repeated advertising exposure of the spokesperson representation (paragraph 32 lines 1-3). Repeated advertising exposure is understood as showing a character throughout multiple frames of the interactive broadcast.

8. Bove and Portuesi are analogous art because they both come from the same field of endeavor, namely interactive multimedia broadcasting.

9. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the selectable zones in Bove's television broadcast to launch additional video because advertisers may think a video presentation is more persuasive than showing text data about the product.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,057) and Wagner (6,600,496). Bove and Portuesi jointly disclose the interactive video advertisement package of Claim 1, however, they do not disclose a transition occurring between the initial advertisement segment and the selected selectable advertisement segment where the transition is seamless. Wagner discloses a transition between the initial advertisement segment and the selected selectable advertisement segment where the transition is seamless (col. 3, lines 13-17).

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,057), Wagner (6,600,496), and Pawson (US 6,944,585). Bove, Portuesi and Wagner jointly disclose the interactive video

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advertisement of Claim 2. Bove, Portuesi and Wagner do not disclose a seamless transition made by ending the initial advertisement segment and beginning each selectable advertisement segment using a common predetermined home position. Pawson discloses a seamless transition made by ending the initial advertisement segment and beginning each selectable advertisement segment using a common predetermined home position (col. 1, lines 138-59 and col.2 13-17).

12. Bove, Portuesi, Wagner, and Pawson are analogous art because they both come from the same field of endeavor, namely multimedia broadcasting.

13. At the time of invention, it would have been obvious to a person of ordinary skill in the art to insure a seamless transition between initial advertising segment and beginning each selectable advertising segment in Bove and Portuesi's television broadcast method because it provides a more enjoyable experience for the viewer.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,057). Bove and Portuesi jointly disclose the interactive video advertisement package in Claim 1. The examiner takes official notice it would have been known to use a spokesperson representation where viewer recognition is inherent for the benefit of using that spokesperson representation's popularity to improve the persuasiveness of the advertisement.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,057) and Klosterman (US 2003/0188310). Bove and Portuesi jointly disclose the interactive video advertisement package in Claim 1, however they do not disclose a real time picture-in-picture window selectable zone

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that appears displaying real time video programming while the viewer is viewing one of the selectable advertisement sections in cyber time, and wherein the viewer is returned to real time video programming in direct response to selecting the real time selectable zone. Klosterman discloses a real time picture-in-picture window selectable zone that appears displaying real time video programming while the viewer is viewing one of the selectable advertisement sections in cyber time, and wherein the viewer is returned to real time video programming in direct response to selecting the real time selectable zone (fig. 6(d).688).

16. Bove, Portuesi, and Klosterman are analogous art because they both come from the same field of endeavor, namely interactive multimedia broadcasting.

17. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use a selectable zone for a picture-in-picture presentation of the non-advertising content in Bove's television broadcast so that the viewer can keep watching the television show while also viewing the advertising content.

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,051). Bove discloses a method of presenting an interactive video advertisement package over a broadcast interactive television medium comprising simultaneously delivering an initial real time, predetermined video advertisement segment to a plurality of viewers over the broadcast interactive television medium (paragraph 4, lines 1-3), wherein the initial video advertisement segment includes a dynamic sequence presenting a spokesperson representation (paragraph 32) having a plurality of selectable zones with each zone

defined in relation to a unique part of the spokesperson representation (paragraph 61, lines 1-4). Bove does not disclose a plurality of selectable, predetermined video advertisement segments, presented as a continuation of the dynamic sequence of the spokesperson representation, each selectable video advertisement segment corresponding to one of the plurality of selectable zones, and in response to a selection of a selectable zone by one of the plurality of viewers, directly delivering the corresponding selectable video advertisement segment to that viewer. Portuesi discloses a plurality of selectable, predetermined video advertisement segments, presented as a continuation of the dynamic sequence of the spokesperson representation, each selectable video advertisement segment corresponding to one of the plurality of selectable zones, and in response to a selection of a selectable zone by one of the plurality of viewers, directly delivering the corresponding selectable video advertisement segment to that viewer (col. 1, lines 35-37 and col. 3, lines 46-50).

19. Bove and Portuesi are analogous art because they both come from the same field of endeavor, namely interactive multimedia broadcasting.

20. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the selectable zones in Bove's television broadcast to launch additional video because advertisers may think a video presentation is more persuasive than showing text data about the product.

21. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,051) and Szabo (US 6,868,525). As regards Claim 11, Bove discloses an interactive video advertisement

package delivered over a broadcast interactive television medium comprising preparing an initial real time, predetermined video advertisement segment, wherein the initial video advertisement segment includes a dynamic sequence presenting a representation of the spokesperson, the representation having a plurality of selectable zones with each zone defined in relation to a unique part of the representation (paragraph 61, lines 1-4) and delivering the initial video advertisement to a plurality of viewers over the broadcast interactive television medium (paragraph 4 lines 1-3). Bove does not disclose preparing a plurality of selectable, predetermined video advertisement segments, each selectable video advertisement segment corresponding to one of the plurality of selectable zones and selectively deliverable over the broadcast interactive television medium and in response to the selection of a selectable zone by one of the plurality of viewers directly delivering the corresponding selectable video advertisement segment to that viewer and determining compensation to the spokesperson based at least in part on statistics associated with the delivery of the selectable video advertisement segments. Portuesi discloses a plurality of selectable, predetermined video advertisement segments, each selectable video advertisement segment corresponding to one of the plurality of selectable zones and selectively deliverable over the broadcast interactive television medium and in response to a selection of a selectable zone by one of the plurality of viewers, directly delivering the corresponding selectable video advertisement segment to the viewer (col. 1, lines 35-37 and col. 3, lines 46-50). Portuesi does not disclose a method of determining compensation to the spokesperson based at least in part on statistics associated with the delivery of the selectable video advertisement segments.

Szabo discloses a method of determining compensation to the spokesperson based at least in part on statistics associated with the delivery of the selectable video advertisement segments (col. 4, lines 29-38). Associated statistics is understood to mean any way of evaluating the use of a certain ad, including "click throughs."

22. As regards Claim 12, Szabo further discloses selectable zones that represent different products of a plurality of parties and compensation to the spokesperson is paid by a plurality of parties based at least in part on the statistics associated with the delivery of the selectable video advertisement segments for each of the different products (col 4, lines 29-38).

23. Bove, Portuesi, and Szabo are analogous art because they both come from the same field of endeavor, namely interactive multimedia methods.

24. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the compensation scheme mentioned in Szabo with the interactive advertising jointly disclosed in Bove and Portuesi because it allows a verifiable way to charge an advertiser every time that advertiser's segment is seen.

25. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bove (US 2002/0049983) in view of Portuesi (US 6,499,051) and Szabo (US 6,868,525).

Bove, Portuesi, and Szabo jointly disclose the method of claim 11. The examiner takes official notice it would have been known that the supplier of the interactive broadcast television medium is compensated based at least in part on a per time slot basis for delivery of the initial advertisement video segment and in part on a per selection basis for the delivery of the selectable advertisement video segments for the benefit of

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providing price options for advertisers with different budget sizes as well as compensating broadcasters appropriately for more attractive time slots.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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